

**IN THE UNITED STATES PATENT AND TRADEMARK PTO**

In re Application of:	§	Group Art Unit: 2812
Chung-Yi Yu et al.	§	
	§	Customer No. 42717
Application No.: 10/727,272	§	Docket No. 24061.25 / 2002-0945
	§	
Filing Date: December 3, 2003	§	Examiner: Geyer, Scott B.
	§	
For: Semiconductor Device Having Substantially	§	Confirmation No.: 4831
Planar Contacts and Body	§	

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAW OF HOLDING OF ABANDONMENT UNDER  
37 CFR 1.181 AND FOR CORRECTION OF PATENT PTO RECORDS**

Sir:

A *Notice of Abandonment* of the above-identified Application (hereinafter referred to as “Application”) was mailed on October 11, 2007 by the U.S. Patent and Trademark Office (hereinafter referred to as “USPTO”). A copy of the *Notice of Abandonment* is enclosed as Exhibit A. The *Notice of Abandonment* states that the Application was abandoned in view of “Applicant’s failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).” In response thereto, Applicants submit the following statement of facts and requests.

**Statement of Facts**

In response to the *Notice of Abandonment*, Applicants describe the following series of actions which they believe confirms the timely payment of the issue fee and publication fee on July 31, 2007, well in advance of the September 13, 2007 deadline.

- On June 13, 2007, the Office issued a *Notice of Allowance* for the present Application.
- On July 31, 2007, Applicants logged into PAIR to pay the issue fee for the present Application via EFS-Web.
  - Once in PAIR, Applicants entered an incorrect application number (App. No. 10/889,416).<sup>1</sup>

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<sup>1</sup> Applicants did not learn of this incorrect application number until receiving the *Notice of Abandonment*. Upon receiving the notice, Applicants went on PAIR and reviewed other filings made on the same day – July 31, 2007. During this review, Applicants noted that App. No. 10/889,416 recorded two issue fee payments. See Exhibit B (the original of this listing can be found on the USPTO Patent Application Information Retrieval system).

- Applicant then uploaded a copy of the correct *Part B – Fee(s) Transmittal* form (for the correct App. No. 10/727,272), a copy of which is enclosed as Exhibit C.
- On October 17, 2007, Applicants received the *Notice of Abandonment* for the present Application.

Applicants' Requests

Despite the incorrect application number entered into EFS-Web, the Applicants hereby state that they did file the correct Part B – Fee(s) Transmittal form and the correct issue fee for Application No. 10/727,272 on July 31, 2007, well before the due date. Therefore, Applicant's respectfully request that the Office move the extra payment from App. No. 10/889,416, as shown in Exhibit B, to be recorded as the issue fee payment of the present Application. Applicant also requests that the *Notice of Abandonment* be withdrawn and that the present Application proceed to publication.

Applicants believe no fee is necessary for the filing of the present document. However, should any fees deemed necessary for the filing of the present document or payment of the issue fee and publication fee is required, the Commissioner is hereby authorized to deduct such fees from Deposit Account No. 08-1394.

Respectfully submitted,



David M. O'Dell  
Registration No. 42,044

Date: 11-28-07  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Direct Telephone: 972-739-8635  
IP Facsimile: 214-200-0853

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence and any attachments are being transmitted via the Electronic Filing System (EFS) Web with the United States Patent and Trademark Office on

Date: 11-28-2007

  
Lydia Epps-Hilliard

Exhibit A  
A copy of the *Notice of Abandonment*



## UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 17 2007

HAYNES AND BOONE, LLP

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,272	12/03/2003	Chung-Yi Yu	24061.25	4831
42717 7590 10/11/2007 HAYNES AND BOONE, LLP 1615 L STREET, N.W. SUITE 800 WASHINGTON, DC 20036-5610			EXAMINER GEYER, SCOTT B	
			ART UNIT 2812	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Docketed: 10/17/07  
By: JK

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/727,272	YU	
	<b>Examiner</b>	<b>Art Unit</b>	
	GEYER	2812	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
  
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
  
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
  
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7. ☐ The reason(s) below:

/lgd/

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit B

PAIR list of transactions for App. No. 10/889,416 (not the present Application)

10/889,416      **BI-LEVEL RESIST STRUCTURE AND FABRICATION METHOD FOR CONTACT HOLES ON SEMICONDUCTOR SUBSTRATES**      11-27-2007::21:08:03

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.**

### Available Documents

	Document Description	Page Count
08-15-2007	<b>Issue Notification</b>	1
07-31-2007	Issue Fee Payment (PTO-85B)	1
07-31-2007	Fee Worksheet (PTO-06)	2
07-31-2007	Status Letter Mailed to Applicant	2
07-31-2007	Issue Fee Payment (PTO-85B)	1
07-31-2007	Fee Worksheet (PTO-06)	2
07-31-2007	Status Letter Mailed to Applicant	2
06-08-2007	Notice of Allowance and Fees Due (PTOL-85)	3
06-08-2007	Notice of Allowance and Fees Due (PTOL-85)	3
06-08-2007	Issue Information including classification, examiner, name, claim, renumbering, etc.	1
06-08-2007	Search information including classification, databases and other search related notes	1
06-08-2007	Bibliographic Data Sheet	1
06-05-2007	Fee Worksheet (PTO-06)	1
06-05-2007	Index of Claims	1
06-05-2007	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	1
06-05-2007	Examiner's search strategy and results	1
05-29-2007	Amendment After Final	1
05-29-2007	Claims	7
05-29-2007	Applicant Arguments/Remarks Made in an Amendment	2
05-29-2007	Status Letter Mailed to Applicant	2
04-02-2007	Final Rejection	6
04-02-2007	List of references cited by examiner	1
04-02-2007	Index of Claims	1
04-02-2007	Search information including classification, databases and other search related notes	1
03-28-2007	Examiner's search strategy and results	1
01-05-2007	Amendment - After Non-Final Rejection	1
01-05-2007	Claims	7
01-05-2007	Applicant Arguments/Remarks Made in an Amendment	2
01-05-2007	Status Letter Mailed to Applicant	2
01-05-2007	Fee Worksheet (PTO-06)	1
10-18-2006	Non-Final Rejection	6
10-18-2006	List of References cited by applicant and considered by examiner	1
10-18-2006	List of references cited by examiner	1
10-18-2006	Index of Claims	1
10-18-2006	Bibliographic Data Sheet	1
10-18-2006	Search information including classification, databases and other search related notes	1
10-16-2006	Examiner's search strategy and results	1
08-02-2006	Response to Election / Restriction Filed	4
08-02-2006	Claims	7
08-02-2006	Applicant Arguments/Remarks Made in an Amendment	1
08-02-2006	Status Letter Mailed to Applicant	2
07-05-2006	Requirement for Restriction/Election	6

07-05-2006	Index of Claims	1
02-22-2005	Notice of Change of Address placed in File Wrapper due to EBC	1
	Customer Number update	
09-23-2004	Information Disclosure Statement (IDS) Filed	2
07-12-2004	Transmittal of New Application	3
07-12-2004	Specification	10
07-12-2004	Claims	7
07-12-2004	Abstract	1
07-12-2004	Drawings-only black and white line drawings	5
07-12-2004	Oath or Declaration filed	5
07-12-2004	Application Data Sheet	3
07-12-2004	Fee Worksheet (PTO-06)	1
07-12-2004	Fee Worksheet (PTO-06)	1

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**Close Window**



Exhibit C

*Part B – Fee(s) Transmittal* form for the correct App. No. 10/727,272

COPY

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42717 7590 06/13/2007

HAYNES AND BOONE, LLP  
 901 MAIN STREET, SUITE 3100  
 DALLAS, TX 75202

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certified that this Fee(s) Transmittal is being filed via EFS-Web System with the U.S. Patent and Trademark Office on the date indicated below.

Denise Wilson	(Depositor's name)
	(Signature)
July 31, 2007	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,272	12/03/2003	Chung-Yi Yu	24061.25	4831

TITLE OF INVENTION: SEMICONDUCTOR DEVICE HAVING SUBSTANTIALLY PLANAR CONTACTS AND BODY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	09/13/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
GEYER, SCOTT B	2812	438-585000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Haynes and Boone, LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Taiwan Semiconductor Manufacturing Company, Ltd.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hsin-Chu, Taiwan, R.O.C.

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 08-1394 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature   
 Typed or printed name David M. O'Dell

Date July 31, 2007

Registration No. 42,044

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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